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PRE-APPEAL BRIEF REQUEST FOR REVIEWDocket Number (Optional)
19200-000047/US

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Application Number
10/531,872Filed
April 28, 2006First Named Inventor
Patrik BERGLIN

On _____

Art Unit
2625Examiner
Mark Milia

Signature _____

Typed or printed name _____

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor

☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

☒ attorney or agent of record.

Registration number 35,094.

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

John A. Castellano

Typed or printed name

703-668-8000

Telephone number

February 28, 2011

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Patrik BERGLIN Conf.: 5939
Application No.: 10/531,872 Examiner: Mark Milia
Filing Date: April 28, 2006 Art Unit: 2625
Title: METHOD AND ARRANGEMENT FOR USE OF SHARED
RESOURCES IN A NETWORK
Attorney Docket: 19200-000047/US

February 28, 2011

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REASONS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Sir:

Concurrent with the filing of a Notice of Appeal and a Request for Pre-Appeal Review, the following remarks are submitted in connection with the above-identified patent application.

REJECTIONS FOR WHICH PRE-APPEAL BRIEF REVIEW IS REQUESTED

Claims 1-6, 8, 13-15, 17-24, and 29-33 stand rejected under 35 U.S.C. § 102(b) as being anticipated by US Pat 6,115,132 to Nakatsuma et al. ("Nakatsuma"). Claims 9, 10, 26, and 27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2002/0067504 to Salgado et al. ("Salgado"). Claims 11, 12, and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in view of US Pat Pub 2002/0062453 to Koga ("Koga"). Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakatsuma in

view of US Pat Pub 2003/0212780 to Hamel et al. ("Hamel"). Applicant respectfully traverses these rejections for the reasons detailed below.

ARGUMENTS

It is alleged in the Final Office Action of August 30, 2010 that col. 14, line 66 – col. 15, line 53, col. 16 lines 58-63, col. 17, lines 17-26 and col. 18, lines 33-49 anticipate "placing the request in a queue for the selected shared resource, if the checking continuously determines that the selected shared resource is accessible but at present lacks capacity for receiving the job, the queue being updated continuously, [and] sending the go-ahead to the client that the client can send the job directly to the selected shared resource, if the request is in a first position in the queue and the checking continuously determines that the selected shared resource has capacity to receive the job at present," as recited in independent claim 1. Applicants respectfully disagree.

Col. 14, line 66 – col. 15, line 53 of Nakatsuma are directed to the example embodiment illustrated in Fig. 12 of Nakatsuma. Fig. 12 is a flow chart illustrating the print function of the virtual print server print monitor 708 using the virtual print server service (client) 712 of the client computer. Nakatsuma discloses in Fig. 12 that at step S1202, the registered job information queue table as shown in Fig. 13 is formed. The job ID acquired at step S1106 of Fig. 11 is set for StartDocPort0 received at step S1201. At step S1203 the register job information queue table is linked to a queuing table as shown in Fig. 14. At step S1208, the acquired job ID of the virtual print server 712 is set to a corresponding registered job information queue table shown in Fig. 13. As is seen, the flow chart illustrated in Fig. 12 is the detailed description of the print function included in the print sequence illustrated in Fig. 11 of Nakatsuma. Applicants respectfully submit that the Nakatsuma printing method always uses a registered job information queue table during the print sequence. However, claim 1 recites "placing the request in a queue for the selected shared resource, if the checking continuously determines that the selected shared resource is accessible but at present lacks capacity for receiving the job, the queue being updated

continuously.” Namely, Applicants submit that the Nakatsuma printing method always uses a registered job information queue table regardless of whether the printer in the Nakatsuma network is accessible or not. Nakatsuma, therefore, fails to teach, or fairly suggest a selective usage of the registered job information queue table as required by independent claim 1. Applicants respectfully submit that Nakatsuma fails to disclose, teach or fairly suggest “placing the request in a queue for the selected shared resource, if the checking continuously determines that the selected shared resource is accessible but at present lacks capacity for receiving the job, the queue being updated continuously,” as recited in independent claim 1.

Further, Applicants respectfully submit that Nakatsuma fails to anticipate “notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible,” as recited in independent claim 1. It is alleged in the Office Action that col. 21, lines 48-64 and col. 22, lines 15-34 of Nakatsuma anticipate the above limitation of independent claim 1. Applicants respectfully submit that col. 21, lines 48-64 are directed to printing of a job when the shared network resource is accessible and available. Particularly, col. 21, lines 48-64 of Nakatsuma are directed to the flow chart illustrated in Fig. 46. As indicated in Nakatsuma, if the printable indication is received from the virtual print server service server (712) at step S4610, the flow advances to step S4701 in Fig. 47 of Nakatsuma. At step S4701 the print monitor 708 acquires the print table in accordance with the registered job information queue corresponding to the job ID and a print operation is performed at the network printer. After the print operation, it is checked whether there is any error in the print operation. If not, the flow advances to step S4703 wherein the job is deleted. Namely and as is seen, the cited section of Nakatsuma is directed to receiving and printing a print job when the network printer is available and accessible. Nakatsuma fails to disclose or fairly suggest at least “notifying, by the server, the client not to send the job, if the checking continuously determines that the selected shared resource is not accessible,” as recited in independent claim 1.

It is alleged in the Office Action that Col. 24, lines 38-54 of Nakatsuma anticipate “repetitively receiving, from the client, updated status information regarding the completion of the job by the shared resource,” as recited in independent claim 1. In the cited section, Nakatsuma discloses sending a job deletion instruction to each client PC in order to make each client PC delete the job information and a temporary file. The client PC receives the job deletion and instruction and deletes the job information and a deletion result is notified to the virtual server. Upon reception of the deletion result, the virtual server recognizes a deletion of the job and deletes the corresponding job information from the queue of the virtual server.

Applicants respectfully submit that nothing in the cited section of Nakatsuma teaches or even points toward “repetitively receiving updated status information regarding the completion of the job by the shared resource,” let alone “the repetitively receiving occurring after the sending the go-ahead, absence of the repetitively receiving indicating an operation error of the client or a communication error between the client and the server,” as recited in independent claim 1. Instead, the cited sections of Nakatsuma are directed to deleting job information. The cited sections, however, are silent with respect to deleting the job information upon completion of the job by the network printer. Further, Applicants respectfully submit, that the job deletion instruction that is sent to each client PC or the deletion result that is sent to the virtual server are not repetitive. Additionally, the Nakatsuma fails to disclose or fairly suggest that an absence of the deletion result to notify the virtual print server is taken as an indication that a job operation error of the client or a communication error between the client and the server has occurred.

Applicants respectfully submit that Nakatsuma fails to anticipate each and every limitation of independent claim and the somewhat similar features recited in independent claims 17 and 19.

Claims 2-6, 8, 13-15, 17-24 and 29-33, dependent on one of independent claims 1, 17 and 19, are also patentable at least for the reasons given above with respect to claims 1, 17 and 19 and also on their own merits.

With respect to dependent claims 9-12, 16 and 26-28, Applicants respectfully submit that none of Salgao, Koga, and Hamel account for the differences between Nakatsuma and claims 1, 17, and 19, discussed above, nor does the Examiner apply these references for doing so. Because Nakatsuma, alone or in combination with Salgado, Koga, and Hamel, fails to teach or suggest each and every element of claims 1, 17, and 19, these references cannot anticipate or render obvious claims 1, 17 or 19. Claims 9-12, 16, and 26-28 are allowable at least for depending from an allowable base claim.

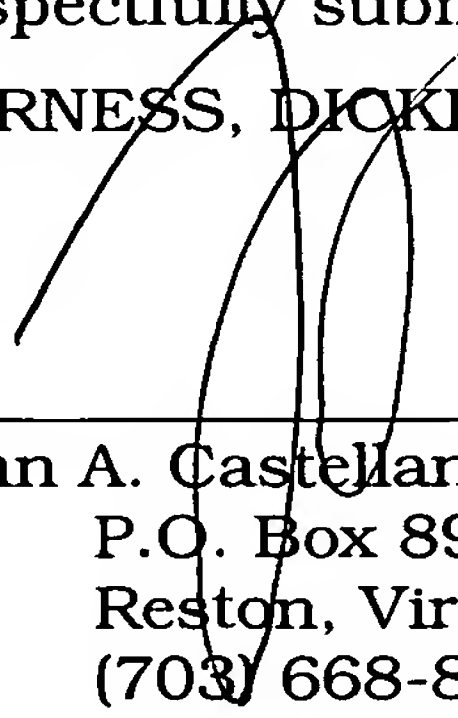
Withdrawal of the rejections to claims 1-19, 21-30 and 32-33 under is respectfully requested.

CONCLUSION

In view of the remarks, reconsideration and withdrawal of the current rejections in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Pre-Appeal Brief Review Board is respectfully requested to contact the undersigned at the telephone number below. If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY & PIERCE, PLC

By 

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